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LATE ATTORNEY GENERAL OF THE UNITED STATES.

TO THE EDITOR OF THE SOUTHERN LITERARY MESSENGER.

I observe, with sincere satisfaction, in the last number of the Messenger, that you invite for its columns a fitting notice of the character of the distinguished man, whose recent loss, under circumstances alike imposing and affecting, the nation has been called to deplore. It is a homage most appropriately due from the patriotic literature of the country to the memory of one, who, always a zealous worshipper at its shrine, has done so much to assert its dignity and illustrate its usefulness, in connection with the highest pursuits of social and active life. The theme demands a pen, which has other qualifications than those which an ardent and devoted friendship alone can supply, to do justice to it in all the breadth and elevation of its moral dignity and grandeur. But there are some reflections, growing out of the recent death of H. S. Legare and the national mourning which has followed it, that even an untutored hand, under the instinctive guidance of the heart, may be excused for attempting to present.

The first observation, which occurs to the mind in contemplating this lamented event, is one which, out of the very depth of the public affliction it has occasioned, brings forth solid encouragement to every sincere and honest patriot, and is full of instructive lessons to the generous and aspiring youth of the country. All must have remarked, and many not without surprise, the loud and universal acclaim of mingled sorrow and praise which followed to the tomb one, whose habits and tastes, through life, cherished the privacy of studious retirement—who, far from courtship, shunning the public gaze, except when an imperious sense of duty brought him before it—who never cultivated popularity, however he esteemed it, when the reward of virtuous actions—and who, from his inner heart, despised us, in his lofty and towering eloquence, he was ever wont to brand, the unworthy acts of the demagogue. The man thus honored and lamented in his death was neither the favorite nor the nursing of party. He had, indeed, bravely offended the spirit of party, on more than one occasion, by the independence and the conscientious integrity with which he pursued the convictions of his own judgment, where he believed the interests of his country at stake. As a consequence of this inflexibility of principle, as well as of his retiring and unobtrusive personal habits, he never, while living, had not been attended, in a degree corresponding to his rare endowments, with all those external evidences of public consideration, which his friends, who, in the unreserved freedom of private intercourse, had been able to sound the depths of his genius and resources, well knew he merited. Such, however, is the winning power of virtue and talents, even when separated from the ordinary accessories of party popularity, that he was daily, though silently, growing in the sober esteem and confidence of the country; and when, at length, the hand of death arrested him in the noble path of his usefulness, the national appreciation of him, which had been lying comparatively dormant, though all the while warming the hearts

of a generous and enlightened people, suddenly burst forth in one general symphony of lamentation and exalted praise.

Let all who engage in the service of their country, with elevated views and conscientious powers of usefulness, take courage from this example. Sooner or later, the reward of public approbation and gratitude will infallibly crown every career, which rests its solid and imperishable titles on "the pursuit of noble ends by noble means." Let no feverish anxiety, for a spurious and fleeting notoriety, lead the aspirant for public esteem to put his trust in specious arts, superficial attainments, or accommodating suppleness, as available substitutes for that laborious and vigorous training and application of the faculties, moral and intellectual, by which only a genuine and enduring popularity can be won. Let him equip himself for the stern conflicts of public duty from the armory of knowledge and virtue, where only weapons of the true temper for such a warfare are to be found, and not go forth to battle in the name, accoutrements of the toy-shop. Let him not undulge an undue solicitude to *become* popular. Let his aim rather be to *deserve* it. Let him exhibit in superior knowledge and acquirements—in the diligent and untiring cultivation of all the capacities of a high public usefulness—in noble and elevated principles of action, the authentic credentials of his mission to serve his country; and his country will, in time, call for and honor him, or, if she does not, the loss will be her's, not his.

The example addresses itself, with equal emphasis, to the gifted youth of the country, who have not yet entered on the career of active exertion, but who are looking forward, with generous aspirations, from the science and discipline of their academic routine, to the part they are hereafter to net upon the busy stage of life. The despondent sentimentality of the poetic muse, or rather the dreary monotony of that *unhappy serene desolation*, the universal indulgence of man, is not infrequently invoked to encourage aimlessly and strenuously, by portraying, in faded colors, the absurd vanity and fruitlessness of all human pursuits. We are sometimes asked, in the misapplied language of unreasoning elegy, why "sorrow delights and lives in glorious days," in the vain pursuit of fame, seeing that,

"'Tis but a name, when we have come to find
At length, to burst our hearts, when we are dead;
Once we are dead, but why we are not dead,
And still the transient live."

But the only fame, which a true ambition is capable of coveting, is one which "the abhorred shears of the blind Fury" have no power to destroy. It survives the stroke of Fate, and flourishes beyond the grave. It is that immortal plant which, the same immortal poet tells us, "lives and spreads aeth' to Heaven, and is but its anticipated judgment on the deeds of men." It is that fame which alone Legare sought, and which he achieved—with what glorious and enviable success, let the according

praises and regrets of a whole nation testify. What other fame is worthy to engage, for a moment, the concern of a being, whose life on earth, when longest, is limited to a span! To live in the hearts and memory of our countrymen, when we ourselves shall have passed from among them, is, on the other hand, an object in harmony with the highest aspirations of the human soul, and fitted to elicit the noblest faculties of our nature. In the distinguished and now hallowed example before us, let the enlightened and patriotic young men of America read, for their encouragement, amid the daily and mighty toils of their probationary discipline, the pledge of their own high destinies, if, by the same means, they shall devote themselves to the same noble ends.

The extraordinary powers and varied attainments of the late Attorney General were the product of early and incessant culture, and of untiring industry and labor. How else could such rare excellence, in so many different departments of human talent and knowledge, have been acquired; for he was *præsumit inter pares* in all—a finished scholar, a consummate orator, a profound lawyer, an able and accomplished statesman. No fecundity of genius, however great, no fecundity of nature, however teeming, could account for such intellectual riches, without the creative energies of constant and unwearied diligence; for it is a truth, as applicable to the philosophy of mind as to the science of political economy, that *labor* is the true and only source of either mental, or material wealth. No paltry vanity of natural endowments ever prevented Mr. Legaré from bearing earnest and instructive testimony, in his discourse, as he exemplified so strikingly in his practice, the truth and value of this grand *axioma* of all sound superiority and success.

Having enjoyed, in early youth, the advantages of a finished education in the best schools of his own country and of Europe, he continued, through all the avocations and active employments of his future life, the same habits of diligent and enthusiastic study by which he established, from the first, a marked preeminence among his companions. He was so smitten with a sympathetic appreciation of the great Roman orator's noble pilgrimage of letters, that he literally fulfilled in his daily habits, (without any such purpose, certainly, as that of mere pedantic conformity), the picture of their attractions so graphically delineated in the latter part of that celebrated passage—*Hæc Studia, Aræ, delectant domi, non impuduit foras, peroptant nobiscum, peregrinantur, custodian, &c.* His books were his inseparable companions, whether at home, or abroad—they passed the night with him, they travelled with him, they accompanied him in his occasional rural retreats. A jealous economist of time, and particularly attentive to husband those odd fragments of leisure, which irregularly intervene in the routine of daily employment, and which by most persons are thrown away as useless, he was more fortunate even than the ancient philosopher, who reproached himself with the loss of one day in the course of a long life. Legaré never lost an hour, for however small the interval of time which fell upon his hands, unoccupied by the necessary demands of business, or the cherished society of a chosen circle of friends, it was never wasted. A book, a pen, or a train of

thought to be resumed, was always at hand to absorb and employ it usefully; for so perfect was the discipline of mind he had established, through long habits of industry and study, that he turned his attention, at will, to whatever subject seemed, at the moment, fittest to engage it.

As a scholar, he stood without a rival among the public men of America of his day, and if, even in that class of learned men who make the cultivation and pursuit of letters the sole business of their lives, he had any superior in scholarship, it would be difficult to say who that superior was. His acquaintance with the great writers of antiquity, the master minds of Greece and Rome, was intimate, thorough and familiar—playing at his ready and perfect command all those hidden treasures of thought, philosophy and wisdom, all those exquisite models of taste, eloquence and power, which he enshrined in their immortal works. In the languages and literature of modern Europe he was perfectly at home. He not only read, but wrote and spoke the languages of France and Germany with the ease and elegance of a native, and was profoundly versed in their history and literature. He had explored, with particular industry and success, the rich mines of learning and historical *discovery*, (so to speak), which the acute and recondite researches of modern German writers have opened, and enlarged his own accumulated stores by the super-addition of the fruits of their valuable labors. With all this abundance of intellectual wealth, he made no ostentatious display of his acquisitions. They were assimilated into the solid nutriment of his own mind, and their effect was seen rather in the enlarged scope and vigor of his conceptions, than in any exhibition of mere learning.

As a speaker and writer, the style of his eloquence was ornate and rich. But, like the gorgeousness of Burke, this was the unbidden effect of the irrepressible exuberance of his genius. No one deposed more than he did the mere glitter of words, or held in lighter esteem the studied arts of the professed rhetorician. Whatever was the elevation and richness of his diction, it was uniformly supported by a corresponding richness and elevation of thought. The stream of his eloquence was fed from copious and inexhaustible fountains, and its majestic current fertilized and fructified, even when it inundated its banks.

His character and abilities, as a profound and accomplished jurist, have been already given to the world under the seal of the highest authority. To the question, was he an *eminent lawyer*, Judge Story, in his beautiful and touching address to the Law School at Harvard, while the funeral bells of Boston were yet tolling the knell of his departed spirit, answered emphatically and unhesitatingly—*"no man was more so."* And certainly, if a profound acquaintance with the most renowned systems of ancient and modern law, with the common law of England, the civil law of Rome, the codes of France and Germany, added to a familiar knowledge of the laws and constitutions of our own country and a thorough indoctrination in the principles of universal jurisprudence, can make an able and accomplished lawyer, Legaré was such. All this breadth and scope of knowledge, however superfluous it may be deemed for the lawyer who, to use the words of Cicero, is nothing more than *legibus quidam cantus, et centus præca actionum,*

cantor formularum, auceps syllabarum, was necessary to fill Mr. Legaré's conception of the character of a great lawyer, worthy of the name, and of a calling which boasts its rank among the learned professions. One of the great secrets of his superiority was to place ever before him the highest standards of excellence, in every department, as the *beau idéal*, at least, which a true and lofty ambition should aim to approximate as near as possible, if not able fully to attain. His idea of the nobleness and grandeur of the law, in its true dignity, was that which Bolingbroke has so justly and eloquently portrayed, and his impersonations of that idea were the Bacons, the Charendons, the Somers, the Mansfields of England,—the Marshalls, the Pinkneys of America.*

The narrow and unworthy prejudice against learning, as incompatible with professional eminence, which has been so properly rebuked by Judge Story, sometimes ventured to question the claims of Mr. Legaré to the character of an able lawyer, on the very ground of his acknowledged pre-eminence in the attainments of elegant literature. The same Gothic prejudice, we learn from contemporary memorials, boldly called in question the legal abilities of Lord Mansfield, and was humorously satirized, at the time, in some lines of Pope, in which the poet represents two heavy serpents of the Temple, "who deemed each other oracles of law," exulting, with a grave self-complacency, in the fancied profoundness of their own *legal* attainments, while

"Each shook his head at Murray as a wit."

And yet this Murray rapidly rose through all the gradations of professional eminence, to the Chief Justiceship of the King's Bench, in which court he presided, with unrivalled lustre and ability, for thirty-two years, having been thrice offered also the great seal of Lord Chancellor; and such was the almost miraculous infallibility displayed by him as a Judge, that, out of the numerous decisions rendered by him during that long period of time, but two or three of his judgments were ever reversed, and about an equal number of instances occurred in which any of his brethren differed in opinion from him. With such an illustrious example before us, we shall be slow to believe that the superior literary accomplishments of Mr. Legaré

* In his letters on the study of History addressed to Lord Combury, the great grandson of the Earl of Clarendon, Bolingbroke, after speaking of the profession of the Law as "in its nature the noblest and most beneficial to mankind, in its abuse and debasement, the most sordid, and the most pernicious," makes the following remarks, *admonitio* applicable for their eloquence and truth. "There have been lawyers that were orators, philosophers, historians;—there have been Bacons and Charendons, my lord. There will be none such any more, till, in some better age, true ambition, or the love of fame, prevails over avarice, and till men find leisure and encouragement to prepare themselves for the exercise of this profession by climbing up to the 'vantage ground,' so my Lord Bacon calls it, of science, instead of grovelling all their lives below in a mean, but gainful application to all the little arts of chicane. 'Till this happens, the profession of the law will scarce deserve to be ranked among the learned professions; and whenever it happens, one of the 'vantage grounds,' to which men must climb, is metaphysical, and the other historical knowledge."

were likely to prove a hindrance to him in the path of professional reputation and success, or to prevent him from fulfilling his destiny, in becoming one of the chiefest glories of the American bar.

As a Statesman, the merits and talents of Mr. Legaré were of the very first order. He early conceived the noble ambition of usefully serving his country, not to gratify a selfish vanity, or to promote any private or personal end, but from a true filial devotion to her glory, and from a generous and magnanimous desire to bear his part in upholding the honor and success of her *model* institutions. His whole training was one of admirable preparation for this high career. There is no branch of knowledge proper to an American Statesman in which he was not a profound adept. He had thoroughly studied the genius of popular government, as well in its essential principles, as in all its great historical examples. With what sagacious and discriminating research he explored the history and institutions of the master states of antiquity, the Republics of Greece and Rome, he has given to the world proud and enduring evidence, in writings which will long survive him, and which posterity, assuredly, "will not willingly let die." He had traced and meditated, with equal diligence and care, the progress of civil and political liberty among our British ancestors; and all those great social and political revolutions, which have changed the face of modern Europe, were alike familiar to his mind, in their causes, incidents and results, and with all the monitory and instructive lessons with which they are so richly fraught. With these preparatory lights, he made our own peculiar, happy and complicated system of popular and federative government, the subject of his profoundest study, and was as deeply imbued with its spirit, as he was thoroughly initiated in its principles, and familiarly conversant with its constitutional action. To these primary qualifications of all true American Statesmanship, he added that enlarged knowledge of the sound principles of political economy, and of the fundamental laws of trade, currency, revenue and finance, which are indispensable guides to enlightened practical legislation. With the public law of nations, which regulates, in peace and in war, the mutual rights and duties of civilized and independent states, the diplomatic position he had filled abroad with so much honor to his country and to himself, no less than his early studies, made him intimately acquainted; and to crown all these civic accomplishments and advantages, he had enjoyed the precious opportunity of observation and experience amid the largest scenes of human affairs, in foreign countries, as well as his own.

When Mr. Legaré, therefore, came into Congress, he came clad in complete armor. The speeches and reports made by him, during the brief period of his service there, show with what fullness of information and knowledge he came into the discussion of every question in which he took a part—enriching it with the widest amplitude of illustration—judging it with the utmost maturity of thought and wisdom—while adorning it with the graces of a finished and captivating eloquence.

Two most able and learned tracts, one on the Constitutional History of Greece and the Democracy of Athens, the other on the origin, History and Influence of Roman Legislation, are here more particularly alluded to.

But his career there was permitted to continue two years only, leaving the nation to regret the premature loss, from its legislative councils, of the rare and eminent abilities and statesmanship, of which, in so short a time, he gave such abundant and unequivocal proofs.

The splendor of his genius accompanied him in his ostracism, and illuminated the obscurity of his retreat. He was soon called back, to take a prominent position in the Executive Government of the country, for which he was pointed out solely by the consideration of his superior fitness; for he never sought office, and his friends deemed too highly of him to believe that any office was capable of adding to the intrinsic dignity of his talents and worth. This new sphere of duty elicited new proofs of his varied powers and attainments, and developed comprehensive faculties of public usefulness, co-extensive with and equal to every demand of the public service. Besides the able and distinguished discharge of the duties which more particularly belong to the post he occupied, which received the united testimony of the most enlightened judges and of the general voice of the country, he brought to the aid of the government, on every great question of national interest, a fund of knowledge, a clearness of views and a promptitude of decision, which could not fail to be sensibly felt and appreciated. When unexpectedly called to fill the leading Executive Department, it is not unreasonable to suppose, and it is hoped the suggestion may be made without offence, that none of the able and distinguished men who have filled it, upon their first introduction to its duties, probably ever felt more at home among its high and imposing concerns, than did Mr. Legaré—excepting always, with the profound reverence so especially their due, those great minds of *revolutionary schooling*, which grew up along with the thorny and difficult questions of our international relations, and which had deep the foundations of our foreign policy and public law. The records of the State Department, during the short, but busy month his life was spared to stamp the lasting mark of his genius, industry and abilities upon them, will show whether this suggestion may not find in its verisimilitude some excuse for its temerity.

It is not a little remarkable that Mr. Legaré was doomed sometimes to encounter the same scepticism, in regard to his practical abilities as a Statesman, which had thrown unavailing doubts on the solidity of his legal attainments, and from the same cause. The extraordinary polish and brightness of his weapons, however massive, seemed to raise suspicions of their strength and durability. The very superiority of his qualifications inspired distrust of their reality. So the great Roman Statesman and orator, whom Mr. Legaré especially resembled, in the broad and elaborate foundation of general learning on which he raised the superstruc-

ture of his political talents and usefulness, was pointed at, when he made his appearance on the public stage, as the *Greek* and the *Scholar*. Yet this did not prevent him from exhibiting such consummate proofs of practical statesmanship, in circumstances of the most complicated difficulty and danger, as no man ever surpassed, and which procured for him, by a solemn decree of the nation, gratitude, the title of the *Father of his country*.

But eminent as were the intellectual powers and accomplishments of Mr. Legaré, they formed by no means, the most distinguished part of his public character. It was the high moral tone so visibly impressed on all his actions, his disdain of every thing low and mean and narrow, the commanding elevation of his principles and views, the lofty spirit of personal honor, the magnanimous courage and self-reliance of conscious virtue, which made him truly great. What the greatest of Irish orators so impressively said of the first of British Statesmen, with suitable modifications, may be justly said of Legaré. "No state chicanery, no narrow system of vicious politics, no idle contest for mere party victories, regardless of principle, ever sunk him to the vulgar level of the so called great;" but resolute, conscientious, undaunted and unswerving, his object was ever the glory, liberty and happiness of his country—his means were truth, integrity, patriotism and honor.

A character, thus marked by the prominent and dazzling traits which enlist public admiration and applause, was set off by all those milder, but no less winning qualities which inspire affection and esteem, and which give to human life its highest charm and sweetest attraction. He was the delight and the ornament of the society he frequented. The spirit and brilliancy of his conversation were unrelenting and unsurpassed. His manners were of the most perfect tone, uniting the dignity and elegance of the gentleman with the cordiality and playfulness of the companion and the friend. He had cultivated, with no small success, a taste for the fine arts, whose happy influence it is to humanize and soften, without enervating the character. But above all, his heart was warm, noble, generous and true, despising every form of indirection and meanness,—embracing, with the strong affinities of a kindred spirit, whatever was lofty in principle, magnanimous in sentiment, or virtuous in action—entering, with the warm and unrestrained effusions of childhood itself, into the lovely sympathies and affections of domestic life,—and in friendship ever firm, faithful and devoted. But reminiscences, such as these, are too intimately connected with a yet bleeding sense of an irreparable personal loss, to be obtruded upon the public eye; and the sacred curtain, which the hand of an awful and mysterious providence has let fall upon the cherished hopes and affections of the heart, must remain further undisturbed.

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